S.B.Cr.Misc. Bail Application No.5477/2007

(Indraaj Vs. State of Rajasthan)

Date of order : November 23, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr. D.L.Mothsra, for the petitioner.
Mr.Ashok Upadhyaya, P.P. for the State.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned, challan papers and the statements of the witnesses so far recorded. I have carefully gone the statements of Doctor, who conducted the autopsy of the deceased including the statements of injured eye-witness PW.1.

From perusal of the statements of the witnesses so far recorded and the material available on record including the medical evidence, the cause of death of the deceased has been attributed to the petitioner and prima facie there is strong evidence of the injured eye-witnesses that it was the present petitioner Indraaj, who caught hold Mani Ram, fell down him on the ground, sat on his chest and started giving beatings by kicks and fists causing injuries, which resulted in

fractures of numerous ribs and also laceration of liver, the deceased died instantaneously. In the circumstances, therefore, in my view, it is not a fit case to release the petitioner on bail.

The bail application filed by the petitioner under section 439 Cr.P.C. is, therefore, dismissed.

(H.R.PANWAR),J.

m.asif/-